

CITY OF OREM
CITY COUNCIL MEETING
56 North State Street Orem, Utah
July 22, 2014

4:00 P.M. WORK SESSION – PUBLIC SAFETY TRAINING ROOM

CONDUCTING Mayor Richard F. Brunst, Jr.

ELECTED OFFICIALS Councilmembers Hans Andersen, Margaret Black, David Spencer, and Brent Sumner

APPOINTED STAFF Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Greg Stephens, City Attorney; Chris Tschirki, Public Works Director; Karl Hirst, Recreation Director; Scott Gurney, Interim Public Safety Director; Charlene Crozier, Library Director; Steve Earl, Deputy City Attorney; Sam Kelly, City Engineer; Jason Bench, Planning Division Manager; Ryan Clark, Economic Development Manager; Neal Winterton, Water Division Manager; Jason Adamson, Risk Manager; Steven Downs, Assistant to the City Manager; and Donna R. Weaver, City Recorder

EXCUSED Councilmembers Mark E. Seastrand and Tom Macdonald

DISCUSSION – Lakeview Addition Annexation Issues

At the request of Mr. Davidson, Mr. Bench explained that the City had received the Lakeview Addition Annexation petition. He said it came with some challenges and was void of utility infrastructure.

Mr. Davidson reviewed a map of the proposed annexation area. He said decades ago the cities of Orem and Provo had mutually agreed to use 2000 South as the boundary between the two communities. There has been an expectation that the property in the petition would someday become a part of Orem.

Kelly Pfof of Lewis Young Robertson & Burningham reviewed estimated costs to provide services to the annexation area. She referred the Council to three studies for impact fees that had been passed out. One method to recoup the cost of getting infrastructure to any new developments was an impact fee. She said infrastructure had to be put in before development could take place. That would be something for the Council to consider if they approved the annexation request. The average impact fee cost, applied to each home, would vary, depending upon the density approved.

Mr. Tschirki said if a higher density was permitted, it would result in lower fees that could be spread out over a larger number of units. A lower density could nearly double the impact fees.

Ms. Pfof reviewed the process and timeline for the approving of impact fees. She noted that the impact fees would have to be in place before the development was approved.

Mr. Kelly, City Engineer, said some of the developers for the area wanted to put high density projects at the very southern part of the annexation area. That would require the City to install infrastructure through a portion of the parcel not initially targeted for development. He stressed the importance of having an idea of what the zoning should be in advance.

Mayor Brunst requested more detail for the various scenarios.

Mr. Bench said staff would get that information together.

Mr. Davidson said that, in an attempt to estimate the density being envisioned by the annexation applicants, staff has reached out to property owners to see their intent for the property. During the neighborhood meeting, the issue of the impact fees amounts was discussed. The challenge was that not all the input was consistent. He said the Clingers, for example, had indicated they had no desire to develop in Orem.

Mr. Kelly restated that Orem current capacity was 2,600 units. He told them it might behoove them to come into the city now to have a seat at the table because otherwise it could result in substantial costs to upgrade the sewer plant etc. CUWCD had to reroute around the ag protection area.

Ms. Pfof said there was some risk for a city to put in infrastructure. If the area was not developed to full capacity, it would not be possible to recoup all the costs.

Mr. Davidson said that, given the expense of extending the infrastructure, the only real feasible way to pay for it was through impact fees. He indicated that staff had been in the process of developing these impact studies in advance, hoping to get ahead of the curve.

Neal Winterton said the water impact fee would be in addition to the fees Ms. Pfof had mentioned.

Mr. Bench said, if the Council was comfortable with the 2,600 density, it would be important to consider possible general plan options for the area.

Mr. Davidson said they did not want to thrust the Council into a density discussion based upon assumptions on how to pay for the infrastructure while property owners might not like the City's proposal. It made for a tenuous situation. He said he would prefer to have the discussions in advance. If Council members were not comfortable with the proposed densities, it would be better to discuss the issue before the annexation came before the Council for a decision.

Mrs. Black observed that they were having the density discussion now.

Mayor Brunst asked what the property tax income might be if developed as proposed.

Mr. Bench said he did not have those figures with him but could estimate them later and send them to the Council.

Mayor Brunst said he had built a house next to the lake, and it dropped several inches because of storm water. He wondered if there could be similar problems.

Mr. Bench said the Sleepy Ridge development had had groundwater issues, and they did not allow basements there.

Mr. Andersen said they were only discussing the annexation issues because of the size of the project. He said he would like the cost of the infrastructure to be put on the developer.

Mr. Kelly said the City would only be putting in the artery via the trunk lines. The developers would have to pay to connect to it.

Mrs. Black asked if the City would have to install all the \$8 million worth of infrastructure mentioned by Ms. Pfost.

Mr. Kelly said it would be a lower cost to just put in the trunk lines. He noted that anything from the west would require a lift station.

Mayor Brunst inquired about phasing of the development.

Mr. Kelly said impact fees had to be used within six years.

Mr. Earl noted it would only apply when a developer paid the impact fees up front. In the present case, the City would be repaying itself.

Mr. Davidson said some options to pay for the infrastructure would be to pull the funding from reserves or to finance it, with the finance charges included in the fees. He reflected that Orem could not afford to pay to maintain its existing infrastructure and questioned the wisdom of bringing in new.

Mr. Tschirki said it was all contingent on the density. High density could possibly pay for the infrastructure. If low density was approved, the City would definitely need to borrow money to pay for it.

Mr. Davidson said he wanted to bring the issue to the Council to give them time to consider their options. If it was their intent to annex the property but then faced opposition about the density, Council members needed to consider that downzoning it would then put the financing in jeopardy.

Ryan Clark noted that the Lakeview Parkway would eventually connect with the Provo airport. There would be an opportunity to create a retail strip in the area. He said he would like to see more homes to the south. Impact fees in other cities were very common.

Mrs. Black asked why there was no commercial listed in Mr. Bench's map.

Mr. Bench said the western portion was identified as commercial or retail.

Mr. Clark said that, based on environmental studies, the State had no plans to widen Geneva Road any further south.

Mr. Davidson said the takings required to expand the width would be cost prohibitive. As a result, the Lakeview Parkway would be more important in that area than Geneva Road.

Mr. Bench said, if they used a density of 2,603 as a base for the study, the zoning would have to be medium to high density.

Mr. Spencer asked about easements and other limitations in the area.

Mr. Bench said State law required all property owners within an agricultural easement to sign in order to annex the property. The Clingers could not be forced to come into Orem.

Mr. Andersen asked if the impact fees would be charged one time.

Mr. Bench said they would.

Mr. Clark said if the properties up north developed first, then the fees would cover the cost of the infrastructure installation. The complication comes in the southern parcels developing first.

Ms. Pfof said it was recommended that impact fees be studied every ten years. The whole process would need to be repeated in ten years.

Mayor Brunst asked if Orem had the capacity to take it on the new growth in the annexation.

Mr. Davidson said it did. While many communities rely on impact fees, Orem has not had any, except for water. New homes and businesses place a strain on the current infrastructure, and the City must find a way to pay for it.

Mayor Brunst said he felt they needed to move to impact fees.

Mr. Davidson noted that the City could not use impact fees to improve the current level of service, but they could be used to meet a new level of service.

Mrs. Black said the need for a park in the area could require an impact fee.

Mr. Davidson agreed, saying that was something to be considered at some time. The initial focus had been on infrastructure, but parks and fire services should be considered.

Ms. Pfof said fees could be enacted at any point but they had to be in place in order to be collected.

Mayor Brunst said the annexation petition looked like a great opportunity to increase the property tax base.

Mr. Tschirki said he had worked some initial figures and, if all the development was residential, it would generate about \$890,000 in property tax.

Mr. Davidson said he would not represent that the Council should base the annexation decision on residential property taxes because residential is generally not a revenue generator. He said his biggest concern was that the Council be mindful of the issues relating to a high density annexation petition where surrounding residents might have concerns.

Mayor Brunst said the Provo areas to the south were high density.

Mr. Bench then reviewed the issues related to the Gold Key area, including poor utilities and the need to enlarge a bridge to accommodate fire access.

Mr. Earl said if the annexation petition were to be protested, it would go to the County boundary commission, and the City would be bound by whatever the commission decided.

5:00 P.M. STUDY SESSION- PUBLIC SAFETY TRAINING ROOM

CONDUCTING

Mayor Richard F. Brunst, Jr.

ELECTED OFFICIALS

Councilmembers Hans Andersen, Margaret Black, David Spencer, and Brent Sumner

APPOINTED STAFF

Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Greg Stephens, City Attorney; Chris Tschirki, Public Works Director; Karl Hirst, Recreation Director; Scott Gurney, Interim Public Safety Director; Charlene Crozier, Library Director; Steve Earl, Deputy City Attorney; Sam Kelly, City Engineer; Jason Bench, Planning Division Manager; Ryan Clark, Economic Development Manager; Jason Adamson, Risk Manager; Steven Downs, Assistant to the City Manager; and Donna R. Weaver, City Recorder

EXCUSED

Councilmembers Tom Macdonald and Mark Seastrand

City Council New Business

Volunteer Appreciation Night

At the request of the Mayor, Mrs. Crozier reviewed the City's volunteer appreciation event, held in conjunction with the Timpanogos Storytelling Festival. She discussed the golf carts as a tradition to help people who needed assistance getting to the various Storytelling events. She said she would contact members of the Council about volunteering as golf cart drivers.

New Recreation Committee

Mayor Brunst reminded the Council about the suggestions for possible members of the new recreation committee. He reviewed the number that had already been submitted by members of the Council.

Mrs. Black said she wanted to know which of those candidates for the committee did not have a “dog in the fight.”

Fitness Center Pool Addition

Mr. Hirst informed the Council that opening day at the new pool was very good. Nearly 1,700 new people attended. From a day-to-day standpoint, the numbers at the Fitness Center pool have increased from an average of 450 to 850 people a day. They were still working out some bugs but that was not unexpected with a new building.

Summerfest

Mrs. Black said she had attended the wrap-up meeting of the Summerfest Advisory Commission. They had questions about the quality of Orem’s float.

Mr. Davidson said they had struggled with their provider. For the price, it was the best choice.

Mrs. Crozier suggested trying to get sponsors for the float and the fireworks show.

Mayor Brunst said he would love to have the Governor and Utah Valley University’s President Holland in the parade next year.

Jason Adamson provided a report on the status of the children injured during the cannon accident.

UTOPIA

Mr. Davidson reported that he and Mr. Spencer had attended a UTOPIA meeting with First Digital. Mr. Davidson said he had forwarded a copy of the proposal to the Council. He said the First Digital proposal gave him concerns because it was so open ended.

Mr. Sumner said he thought they were moving too fast, and the Board needed to let members consider the proposal. Mrs. Black agreed. Mr. Spencer said he had tried to get them to postpone the decision to September.

Mr. Davidson said the Board was split.

Mrs. Black said she thought there should be some agreement going forward about the joint asset all eleven cities owned.

Mr. Davidson said he had approached UTOPIA’s legal staff about that. Individual cities could not do anything with the network without the permission of UTOPIA. Mr. Davidson said he believes if the Macquarie fees proposal were to come back too high, it could likely be gone.

Community Development Project Area (CDA)

Mr. Andersen asked about the CDA being proposed for the mall and about being allowed or not allowed to talk about it.

Mr. Davidson said that, because it was not a definitive number, it should not be discussed yet. All five taxing entities would have their input on that final number. He added that the purpose of the RDA action later was to begin the process. Those malls had a desired outcome, but what that would be was yet to be determined.

Mrs. Black said it was performance based.

Agenda Review

For lack of time, this item was postponed to the end of the meeting.

The Council adjourned at 5:55 p.m. to the City Council Chambers for the regular meeting.

6:00 P.M. REGULAR SESSION

CONDUCTING

Mayor Richard F. Brunst, Jr.

ELECTED OFFICIALS

Councilmembers Hans Andersen, Margaret Black, , David Spencer, and Brent Sumner

APPOINTED STAFF

Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Greg Stephens, City Attorney; Chris Tschirki, Public Works Director; Karl Hirst, Recreation Director; Scott Gurney, Interim Public Safety Director; Charlene Crozier, Library Director; Steve Earl, Deputy City Attorney; Jason Bench, Planning Division Manager; Ryan Clark, Economic Development Manager; Steven Downs, Assistant to the City Manager; and Donna R. Weaver, City Recorder

EXCUSED

Councilmembers Tom Macdonald and Mark E. Seastrand

INVOCATION / INSPIRATIONAL THOUGHT PLEDGE OF ALLEGIANCE

Britt Pearson

Andrew Wells

APPROVAL OF MINUTES

Mr. Andersen **moved** to approve the June 10 and June 17, 2014, City Council meeting minutes. Mrs. Black **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, David Spencer, and Brent Sumner. The motion **passed** unanimously.

MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

Upcoming Events

The Mayor referred the Council to the upcoming events listed in the agenda packet.

Appointments to Boards and Commissions

No new appointments to Boards and Commissions were made.

Recognition of New Neighborhoods in Action Officers

No new Neighborhood in Action officers were recognized.

RECOGNITION – Recreation Volunteers – Dave & Teresa McKitrick

Karl Hirst, Recreation Director, presented an award to Dave and Teresa McKitrick as Orem's volunteers of the year. He said no city could have recreation without volunteers. Mayor Brunst then presented the McKitricks with a plaque and invited them to shake hands with the Council.

PRESENTATION – Walter C. Orem Award – George Cepull

Mayor Brunst presented the Walter C. Orem Award to George Cepull. The Mayor invited Mr. Cepull to shake hands with the Council.

Mr. Cepull said many people were in attendance who cared about him and his family. God had helped him, and that was why he was able to stand there. His experience had helped him become strong, and wanted to return the favor. The children, especially the disabled children, made him strong. He could feel angry and go into schools and change his attitude immediately. He said it was an emotional experience for him, and he was honored and deeply touched to receive the award. He invited people to stop and talk to him if they saw him. The people he had met inspired him to keep moving.

CITY MANAGER APPOINTMENTS

There were no City Manager appointments.

PERSONAL APPEARANCES

Time was allotted for the public to express their ideas, concerns, and comments on items not on the agenda. Those wishing to speak should have signed in prior to the meeting, and comments were limited to three minutes or less.

Sam Lentz said last month the Council chose not to move forward with the Macquarie Milepost Two. The City has had two months to look at other options. First Digital offered a watered down version of the Macquarie proposal without the experience to carry it through. He said they also offered another model that would not be a ubiquitous build out. The First Digital proposal also included a very high take rate. Mr. Lentz said the success-based model would unfairly favor rich neighborhoods. First Digital's proposal was blatant class warfare. Wiring a few apartment buildings and business parks did not give First Digital the needed experience to handle the UTOPIA network. All Comcast would have to do would be to offer great rates to a few of those neighborhoods, and there would not be enough left to move forward.

CONSENT ITEMS

There were no consent items.

SCHEDULED ITEMS

6:20 P.M. PUBLIC HEARING – PD-35 Zone

ORDINANCE - Amending Section 22-11-48(D) of the Orem City Code pertaining to basement requirements in the PD-35 zone and amending Appendix CC (the concept plan for the PD-35 zone)

Mr. Bench reviewed with the Council a proposal to allow basements in the PD-35 zone. He noted that the PD-35 zone was approved in 2013 as a twin home planned development. The PD-35 zone does not currently allow basements in the two-story attached units, similar to the PRD zone. The sixteen single-story units are allowed to have basements and the applicant is proposing to allow the ten two-story twin homes to the west in the PD-35 zone to also have basements.

Appendix CC is the concept plan for the PD-35 zone and contains a note that basements are not allowed in the two-story units. The applicant is also proposing to amend this note to indicate that the two-story twin homes are allowed to have basements.

Advantages:

- Allowing basements provides a larger living space that is not visible from the exterior and makes the units more marketable
- Allowing basements would provide more storage space and would make it less likely that tenants would use the garage for storage

Disadvantages:

- None determined

The proposed amendments are outlined below:

22-11-48(D)

D. **Development Standards.** The standards and requirements set forth in Article 22-7 of the Orem City Code shall apply to the PD-35 zone, except as expressly modified below:

1. Height. The maximum height for all structures shall be thirty (30) feet.
2. Basements. Basements are allowed in all residential units and the restrictions pertaining to basements contained in Article 22-7 shall not apply in the PD-35 zone.
3. Setbacks. All buildings shall be set back at least twenty-five (25) feet from 1360 North Street, 1380 North Street and 320 West Street. All buildings shall be set back at least twenty (20) feet from all other property not part of the PD-35 zone. All garages shall be set back a minimum of nineteen (19) feet from the public sidewalk.
4. Parking. A minimum of two (2) parking spaces shall be provided for each dwelling, one of which shall be covered. A minimum of one-quarter (1/4) additional parking space shall be provided for each unit for guest parking within the area designated in the concept plan as “two-story twin home development.” Driveways shall not be counted toward the guest parking requirement.
5. Density. Density shall not exceed seven (7) units per acre.
6. Fencing. A six (6) foot high fence constructed of decorative concrete, decorative masonry, or vinyl shall be installed and maintained on the perimeter of the PD-35 zone, except that a fence is not required along 1360 North Street or 320 West Street nor shall it violate the provisions of Section 22-14-19 of the Orem City Code pertaining to clear vision areas. The fence adjacent to the Amiron Village private driveway shall be concrete or masonry. The fencing along the Gold Crest Estates Subdivision may remain as is or, if replaced, shall comply with the requirements of this subsection (6).

Mr. Bench noted the change would only apply to the PD-35 zone. There would be no increase in density, and no accessory apartments would be permitted.

Mayor Brunst asked why basements were not originally allowed.

Mr. Bench said the Council at the time thought the PRD standards should apply. Several similar projects have been built, and basements have been popular.

Mrs. Black said the only concern she had heard from a resident was about accessory apartments.

Mr. Bench said those would not be allowed.

Mr. Sumner asked if he purchased one of the units he could put a second kitchen and multiple heating systems.

Mr. Bench said Mr. Sumner could do those things, but he would have to sign an affidavit not to rent the space.

Reed Swenson, applicant, said they felt from their other experiences it would be easier to keep the parking in the garage if the garages weren't being used for storage that could go in the basement. He said he thought it was a plus all around. The stairs to the basement would come out of the main level.

Mayor Brunst opened the public hearing. No one came forward to speak, so the Mayor closed the public hearing.

Mr. Spencer asked about access to the basement from the garage.

Mr. Swenson said there was no access to the basement from the garage.

Mrs. Black **moved**, by ordinance, to (1) amend Section 22-11-48(D) of the Orem City Code, pertaining to basement requirements in the PD-35 zone; and (2) amend pages CC.1 and City Council.3 of Appendix CC (the concept plan for the PD-35 zone) as proposed. Mr. Sumner **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, David Spencer, and Brent Sumner. The motion **passed** unanimously.

6:20 P.M. PUBLIC HEARING – Deep Lots

ORDINANCE – Amending Section 17-8-1(C)(7) pertaining to residential building setbacks and height requirements on deep lots

Mr. Bench presented an application to amend Section 17-8-1(C)(7) pertaining to residential building setbacks and height requirements on deep lots. He indicated that the applicant owns a deep lot in the R8 zone that contains over 19,000 square feet. The applicant would like to build a two-story house on this lot, but is prevented from doing so by the City's current ordinance which states that a house on a deep lot in the R5, R6, R6.5, R7.5 and R8 zones may not exceed one story above grade.

The applicant proposes to amend the ordinance to allow a two-story house up to thirty-five feet in height (the same height generally allowed in residential zones) on a deep lot that is at least 15,000 square feet in size provided that all setbacks to adjacent property lines are at least twenty-five (25) feet.

There are currently 98 residential deep lots in the City that have at least 15,000 square feet. Only 17 of those 98 lots are vacant.

The proposed changes do not affect deep lots in the R12, R20, OS5, and ROS zones. These zones allow a home on a deep lot to be up to 35 feet in height with multiple stories if all setbacks are equal to the height of the house. The proposed amendment is as follows:

17-8-1(C)(7)

A house on a deep lot in the R5, R6, R6.5, R7.5, and R8 zones shall not exceed one story above grade. However, a deep lot with a net area (excluding the area of any “flag stem”) of at least 15,000 square feet shall not be restricted to a single-story provided all setbacks to adjacent property lines are at least twenty-five (25) feet.

Advantages

- Applies to a small number of deep lots
- Increased setbacks place a home farther away from adjacent homes than smaller deep lots
- Houses on lots of 15,000 square feet will typically have setbacks greater than 25 feet due to the size of the parcel

Disadvantages

- None identified

Mayor Brunst asked about the lot by the parcel. Mr. Bench said at one time it was part of the same lot. Mayor Brunst asked about fire safety, and Mr. Bench said it met the fire code. Mayor Brunst said he noticed there were several deep lots in the area.

Mrs. Black said there had been concern not to overwhelm neighbors with a two-story home with a deep lot. It could loom over surrounding homes. Mr. Bench said it would function as a typical lot with the setbacks.

Matthew Erdmann, applicant, said he did not feel this would be any different than a regular lot because of the setbacks. Because of the increased setback, there were neglected lots in Orem that could now be developed.

Mayor Brunst opened the public hearing.

Darrell Gamette said he owns the other house, and the applicant was his son-in-law. Mr. Gamette said they had always hoped one of their children would build there. He noted that his home was also two stories.

Mayor Brunst closed the public hearing.

Mayor Brunst then **moved**, by ordinance, to amend Section 17-8-1(C)(7) pertaining to residential building setbacks and height requirements on deep lots. Mr. Andersen **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, David Spencer, and Brent Sumner. The motion **passed** unanimously.

6:20 P.M. PUBLIC HEARING – PO Zone

ORDINANCE – Amending Sections 22-8-8 and 22-8-12 of the Orem City Code pertaining to development standards for the Professional Office (PO) zone

Mr. Bench presented an application to amend Sections 22-8-8 and 22-8-12 of the Orem City Code pertaining to development standards for the Professional Office (PO) zone. He said the applicant owns property in the PO zone at 1020 East 800 North. This area of the PO zone consists of 1.19 acres and is currently developed with a bank building which was approved in 2000 and a building occupied by Northern Engineering which was approved in 2004. Both of these buildings were approved as part of the same lot.

In 2004, the original owner recorded a deed at the county that illegally subdivided the property into two (2) smaller lots and sold one of these lots to another entity. The owner did not go through the required subdivision process of getting a plat approved by the Planning Commission and the two small lots do not conform to the one acre minimum lot size requirement of the PO zone.

A prospective purchaser would now like to purchase one of the lots and make some additions to the existing building. However, the City cannot approve a revised site plan or building permit for the proposed additions to the building because of the illegally subdivided and nonconforming lots.

The current owners of the two lots would like to resolve this situation by proposing an amendment to the PO zone that would allow a minimum lot size of 18,000 square feet instead of the current one acre requirement. This would allow the owners to legally subdivide the property into two lots and obtain a plat approval from the Planning Commission. After obtaining this approval, either owner could then legally add on to their existing buildings provided all other ordinance requirements are met.

The applicant also requests that the City Council amend the PO zone to allow up to forty percent (40%) of the roof area of a building to be flat and to allow metal architectural panels on twenty percent (20%) of the exterior finish area. This is to accommodate the desired building addition by a prospective purchaser. The PO zone currently does not allow flat roofs and does not allow metal as an approved finishing material.

The Planning Commission recommended approval of the 18,000 square foot minimum lot size requirement and allowing twenty percent (20%) of the exterior finish materials to be metal architectural paneling. However, the Planning Commission felt that allowing forty percent (40%) of the roof area to be flat was too much and that it would detract from the residential look and feel of the buildings. The Planning Commission felt that allowing twenty percent (20%) of the roof area to be flat would be more reasonable. In addition, the Planning Commission did not want the flat roof area to be prominent and therefore recommended that any flat roof area be limited to half the height of the highest point of the building.

Advantages:

- Provides more building elevation options.
- Allowing lots to be subdivided into 18,000 square foot lots would allow greater flexibility in ownership of properties in the PO zone.
- Provides more opportunity for properties to be rezoned to the PO zone which includes higher landscaping standards, especially along 800 North.
- Allowing 20% of the roof area to be flat allows additional design options, but maintains the intent of the PO zone of making buildings compatible with residential neighborhoods.

Disadvantages:

- Allowing forty percent (40%) of the roof structure to be flat and including metal as an approved finish material may make buildings in the PO zone less compatible with adjacent residential zones.

Mr. Bench said the Planning Commission recommended that the City Council approve allowing 18,000 square foot lots and metal architectural panels for up to twenty percent (20%) of the exterior finish materials. The Planning Commission recommends that the City Council allow up to twenty percent (20%) of the roof area to be flat with the condition that no flat roof area may be higher than fifty percent (50%) of the height of the building. Staff supports the recommendations proposed by the Planning Commission.

The proposed amendments are outlined below reflecting both the Planning Commission recommendation and the applicant's request to allow flat roofs.

22-8-8 Zone Development Standards.

	<u>PQ</u>	<u>C1</u>	<u>C2</u>	<u>C3</u>	<u>HS</u>
Minimum Lot area in square feet unless listed as acres.	18000*****	7000	7000	3 acres*	½ acre
Setbacks					
(Minimum).					
From Dedicated Streets:	20'**	20'	20'*****	30'**	20'
From an adjoining Property in a non residential zone:	0	0	0	0	0
From an adjoining property in residential zone:	****25'	10'	10'	40'	10'
	<u>PQ</u>	<u>C1</u>	<u>C2</u>	<u>C3</u>	<u>HS</u>
Structure Heights.					
Minimum:	8'	8'	8'	8'	8'
Maximum:	35'	48'	60'	35'***	60"

* Parcels smaller than three (3) acres shall only be allowed pursuant to Section 22-8-14(D).
** Building setbacks from 800 North in the PO and C3 zones shall be according to "Appendix I."§22-8-9 ZONING

*** Exception: The maximum height for structures located in the C3 zone which are set back no less than one hundred fifty feet (150') from a residential zone shall be sixty feet (60').

**** No portion of any building shall be located closer to a residentially zoned property than a distance equal to the height of that portion of the building (applicable to all commercial zones listed above).

***** Building setbacks and landscaping requirements for lots located adjacent to State Street shall be measured from the back of an existing or required sidewalk.

*****~~The PO zone may not be applied to an area of less than one acre.~~

NOTE: In all commercial zones, except the PO and C3 zones, the height limitation shall not apply to belfries, cupolas, domes not used for human occupancy, chimneys, ventilators, sky lights, cornices, antennas, or properly screened mechanical appurtenances. In no case shall the height of belfries, cupolas, domes not used for human occupancy, chimneys, ventilators, sky lights, cornices, antennas, or properly screened mechanical appurtenances exceed a height of seventy-five feet (75') measured from the average finished grade of the yard in which the structure is located. In no case shall that portion which exceeds the sixty foot (60') height exceed fifty percent (50%) of the gross floor area of the uppermost floor of the building.

Planning Commission Recommendation:

22-8-12. Additional Provisions for the PO Zone.

The following additional standards and regulations shall apply to the PO Zone.

A. **Architectural Styling.** All structures shall have exterior elevations designed with a residential architectural styling. ~~At least eighty percent (80%) of the roof area of all structures shall have a~~ The minimum roof pitch ~~shall be~~ of eight feet (8') of rise to twelve feet (12') of run. ~~Up to twenty percent (20%) of the roof area may be flat provided that any flat roof is no higher than fifty percent (50%) of the height of the building.~~ No more than thirty-five percent (35%) of the exterior of each structure shall be composed of glass, windows, and doors.

B. **Floors Above Grade Level.** The maximum number of floors above the natural grade shall be two (2). No portion of any structure within one hundred feet (100') of a residential zone shall be more than one (1) floor (the single-floor roofline shall not exceed twenty-four feet [24']) above the natural grade level.

C. **Exterior Finishing Materials.** The exterior finishing materials for walls shall not include ~~steel,~~ T-111, aluminum, or vinyl. ~~However, up to twenty percent (20%) of the exterior finishing materials may consist of metal architectural panels.~~ Soffits, facias, and other similar architectural features may be finished with painted metal. No asphalt roofing shingles shall be allowed.

Applicant Request:

22-8-12. Additional Provisions for the PO Zone.

The following additional standards and regulations shall apply to the PO Zone.

A. **Architectural Styling.** All structures shall have exterior elevations designed with a residential architectural styling. ~~At least sixty percent (60%) of the roof area of all structures shall have a~~ minimum roof pitch ~~of~~ eight feet (8') of rise to twelve feet (12') of run. No more than thirty-five percent (35%) of the exterior of each structure shall be composed of glass, windows, and doors.

B. **Floors Above Grade Level.** The maximum number of floors above the natural grade shall be two (2). No portion of any structure within one hundred feet (100') of a residential zone shall be more than one (1) floor (the single-floor roofline shall not exceed twenty-four feet [24']) above the natural grade level.

C. **Exterior Finishing Materials.** The exterior finishing materials for walls shall not include ~~steel,~~ T-111, aluminum, or vinyl. ~~However, up to twenty percent (20%) of the exterior finishing materials may consist of metal architectural panels.~~ Soffits, facias, and other similar architectural features may be finished with painted metal. No asphalt roofing shingles shall be allowed.

Mayor Brunst wondered if the other parcels would be impacted by the change.

Mrs. Black said it affected any PO zone that was applied from this point on. She said she did not think it was attractive or would match surrounding buildings. Mrs. Black said she was not in favor of the 40 percent and wondered how it would have to be designed to accommodate the 20 percent. The PO zone was supposed to blend in with the neighborhoods between commercial and residential.

Stormy Wilsey, bank applicant representative, said the ordinance had three issues. The bank only had an interest in the square footage requirement amendment. As for the flat roof and metal, that was something Mr. Sandstrom had requested. She asked the Council to consider the bank's request separately from Mr. Sandstrom's. Ms. Wilsey noted there was another party, besides Mr. Sandstrom, interested in the building. They would not want to change it.

Mayor Brunst opened the public hearing. When no one came forward to speak, he closed the public hearing.

Mayor Brunst then said the architectural change did not fit in with the surrounding buildings. He would like to allow the change for the lot size but not the flat roof or the metal building materials.

Mr. Spencer and Mrs. Black agreed. She said it would change the entire zone.

Mayor Brunst **moved**, by ordinance, to amend Section 22-8-8 of the Orem City Code pertaining to development standards for the Professional Office (PO) zone to allow the 18,000 square foot modification but to deny the proposed amendment to Section 22-8-12 regarding the flat roof and metal building materials. Mrs. Black **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, David Spencer, and Brent Sumner. The motion **passed** unanimously.

COMMUNICATION ITEMS

There were no communication items.

CITY MANAGER INFORMATION ITEMS

Upcoming Agenda Items

Mr. Bench said that on August 26, 2014, a request would come to the Council about animals on lots of an acre. There was some inconsistency in the ordinance, so the standards were being proposed to be brought into conformity.

ADJOURN TO A MEETING OF THE REDEVELOPMENT AGENCY

Mrs. Black moved to adjourn to a meeting of the Redevelopment Agency. Mr. Andersen **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, David Spencer, and Brent Sumner. The motion **passed** unanimously.

The meeting adjourned at 7:01 p.m.

Donna R. Weaver, City Recorder

Approved: August 26, 2014